

**House File 2149 - Introduced**

HOUSE FILE 2149

BY WOLFE

**A BILL FOR**

1 An Act relating to reimbursement for legal assistance by an  
2 indigent person.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 815.9, subsection 3, Code 2022, is  
2 amended to read as follows:

3 3. ~~If a person is granted an appointed attorney~~ A rebuttable  
4 presumption exists that a person who has been determined to  
5 be indigent and who is granted an appointed attorney will  
6 experience a financial hardship if the person is required to  
7 reimburse the state for the total cost of legal assistance  
8 provided to the person. The court shall order that such a  
9 person shall not be required to reimburse the state for the  
10 cost of legal assistance unless the presumption is rebutted  
11 by clear and convincing evidence presented by the state. If  
12 the presumption is rebutted, the person shall be required to  
13 reimburse the state for the total cost of legal assistance  
14 provided to the person pursuant to **this section**. "*Legal*  
15 *assistance*" as used in **this section** shall include not only  
16 the expense of the public defender or an appointed attorney,  
17 but also transcripts, witness fees, expenses, and any other  
18 goods or services required by law to be provided to an indigent  
19 person entitled to an appointed attorney.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 This bill relates to reimbursement for legal assistance by  
24 an indigent person.

25 Current law provides that a person who was granted an  
26 appointed attorney shall be required to reimburse the state for  
27 the total cost of legal assistance provided to the person.

28 The bill provides that a rebuttable presumption exists  
29 that a person who has been determined to be indigent and who  
30 is granted an appointed attorney will experience a financial  
31 hardship if required to reimburse the state for the total cost  
32 of the person's legal assistance, and the court shall order  
33 that such a person shall not be required to reimburse the state  
34 for the cost of legal assistance unless the presumption is  
35 rebutted by clear and convincing evidence presented by the

1 state. If the presumption is rebutted, the person shall be  
2 required to reimburse the state for the total cost of legal  
3 assistance provided to the person.